

**SUPREME COURT STATE OF NEW YORK  
COUNTY OF NEW YORK**

**Index No.:**

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**JOHN DOE CP,**

**Plaintiff,**

**-against-**

**AFFIDAVIT**

**ARCHDIOCESE OF NEW YORK, CARDINAL  
HAYES HIGH SCHOOL AND CATHOLIC HIGH  
SCHOOL ASSOCIATION OF NEW YORK**

**Defendants.**

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**AFFIDAVIT OF PATRICK NOAKER**

State of Minnesota            )  
  )       ss  
County of Hennepin         )

I, Patrick Noaker, do hereby swear and affirm as follows:

1. I am over 18, of sound mind, and am otherwise qualified to offer the facts set forth herein.

2. My law firm, Noaker Law Firm LLC, has been retained by the Plaintiff in this action to represent him in an action against Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York.

3. The Plaintiff in this action alleges that his Dean of Discipline, Br. John J. O'Connor, sexually assaulted him. The suit he intends to file, seeks damages against Archdiocese of New York, Cardinal Hayes High School and Catholic High School Association of New York, Br. John J. O'Connor's employers.

4. The manner in which Br. John J. O'Connor is alleged to have touched him is illegal conduct ("sexual contact") as defined by Article 130.00 of the New York Penal Code.

5. The identity of any victim of a sex offense, including those prohibited by Article 130, shall be confidential. N.Y. Civ. Rights Law § 50-b (1). No records (including a court file) or other documents in the custody or possession of any public employee that identify a victim of a sex offense shall be made available for public inspection. N.Y. Civ. Rights Law § 50-b (1). Upon signing this section of the Civil Rights Law in 1991, Gov. Mario Cuomo stated: “sexual assault victims have unfortunately had to endure a terrible invasion of their physical privacy. They have a right to expect that this violation will not be compounded by a further invasion of their privacy.” Doe v. Kolko, 242 F.R.D. 193, 196 (E.D.N.Y. 2006) (internal citations omitted).

6. Given the nature of the allegations, John Doe CP has a vested interest in maintaining his anonymity to avoid additional harm, including to his mental health and to his employment, were his identity and intimate details of his life to become known to the general public.

7. Given that the plaintiff alleges that he was assaulted at a school that served hundreds of children over the years who may have been exposed to Br. John J. O'Connor, there is a strong public interest in allowing these court proceedings to remain open and available.

8. Therefore, he asks for the Court’s permission to file this action and otherwise be identified in the court file by the pseudonym “John Doe CP.” Such a solution balances his privacy rights under New York’s Civil Rights Laws with the general public’s interest in open court proceedings.

9. The general public has no articulable interest in knowing the Plaintiff’s identity. On the contrary, if he is not allowed to proceed using a pseudonym it may have a chilling effect on this case (e.g., he will likely elect not to proceed with it) and upon the reporting of sexual assaults generally because victims fear additional harm, shame, embarrassment, and retaliation

for their allegations. See, e.g., Doe v. Kolko, 242 F.R.D. 193, 195 (E.D.N.Y. 2006) (“Additionally, the public generally has a strong interest in protecting the identities of sexual assault victims so that other victims will not be deterred from reporting such crimes”) (internal citations omitted). Even where a court “traditionally disfavors the use of pseudonyms,” they generally recognize that “sexual assault victims are a paradigmatic example of those entitled to a grant of anonymity.” Id. Therefore, the public interest is well-served by allowing the plaintiff to proceed using a pseudonym in this case.

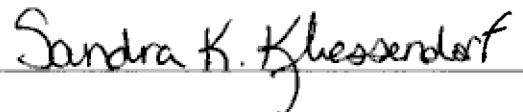
10. There is no prejudice to the defendants by allowing him to proceed using a pseudonym. His identity has already been, or at the time of service will be, made known to the defendants and their counsel so as to allow them to investigate and to defend these claims.

11. Therefore, the Plaintiff respectfully requests that this Court enter an Order allowing him to proceed using a pseudonym and otherwise not be identified in the public court file except by that pseudonym, and entering any other relief this Court deems appropriate.

  
Patrick Noaker

STATE OF MINNESOTA    )  
  ) ss  
COUNTY OF HENNEPIN    )

On August 13, 2019, before me personally appeared Patrick Noaker, who is personally known to me and sufficiently proved that by his signature he executed the above instrument.



Sandra K. Kluessendorf  
Printed Name

My Commission Expires:

January 31, 2023

